

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-3, 5, 6 and 11 are now present in the application. Claims 1, 2, 3 and 6 have been amended. Claim 11 has been added.. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Becker, U.S. Patent Application Publication No. 2004/0228119. Claims 2, 3, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Becker in view of Hanley, U.S. Patent No. 6,733,150. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. As the Examiner will note, independent claim 1 has been amended to recite a combination of elements including "a light-emitting diode module including a plurality of light-emitting diodes arranged as a unitary module; a frame; and an electronics control part for controlling the light-emitting diodes, the electronics control part including a switch, and a resistor controlling each light-emitting diode, wherein the light-emitting diodes are directed in a given direction or directions, wherein the light-emitting diodes are fitted in the frame, side by side, adjacent to each other and directed towards the given direction or directions, wherein the switch is arranged integrally to the frame, and wherein the switch is adapted to vary the lighting efficiency of the illuminator." Support for the amendments to claim 1 can be found in FIG. 1 and on page 2, lines 14-19 and 34-35 of the specification as

originally filed. Applicant respectfully submits that the above combination of elements as set forth in amended independent claim 1 is not disclosed nor suggested by the references relied on by the Examiner.

In particular, the Examiner referred to the means 44 and 46 of Becker as the electronics control part for controlling the semiconductor light sources of the present invention. However, Becker in paragraph [0021] discloses:

Referring now to FIG. 1, the light assembly can also include means 44 for powering the one or more light emitters 40, 40a and 40b. Means 44 can include a battery in electric communication with the one or more light emitters 40, 40a and 40b. Means such as wires 48 for communicating electrical power between the light emitters 40, 40a and 40b and the means 44 can be disposed internal with respect to the flexible member 12. The light assembly 10 can also include means 46 for controlling powering means 44 to selectively power to the one or more light emitters. Means 46 can be a push button switch. Means 46 can include a flexible circuit board. Means 44 can be at least partially disposed internal with respect to the flexible member 12. Means 44 and means 46 can be positional with the flexible member 12 adjacent the underside 30 of the brim 28. Means 46 can include a switch to selectively engage and disengage electrical communication between means 44 and the one or more light emitters 40, 40a and 40b. Means 46 can be positional between the first surface 20 and the hat 34 of the wearer 36. (Emphasis added.)

In other words, Becker merely discloses that the means 44 includes a battery and the means 46 includes a switch to selectively engage and disengage electrical communication between means 44 and the one or more light emitters 40, 40a and 40b. However, Becker nowhere discloses that the means 44 or 46 includes a resistor controlling each light emitter 40/40a/40b. Unlike Becker, each light-emitting diode is provided with a resistor, which provides a very effective control for, e.g., overvoltage protection and current limiting function in hazardous overvoltage situations. Therefore, Becker fails to teach “the electronics control part including a switch, and a resistor controlling each light-emitting diode” as recited in claim 1.

In addition, one of the features of the present invention is that the illuminator has a LED module where the LEDs are arranged as a unitary module having several LEDs arranged side by side and adjacent to each other, thereby enabling a compact structure and allowing a very effective lighting operation. This feature is also clearly absent from Becker.

With regard to the Examiner's reliance on the secondary reference, this reference has only been relied on for its teachings against some dependent claims. This reference also fails to disclose the above combination of elements as set forth in amended independent claim 1. Accordingly, this reference fails to cure the deficiencies of Becker.

Accordingly, neither of the references utilized by the Examiner individually or in combination teaches or suggests the limitations of amended independent claim 1 or its dependent claims. Therefore, Applicant respectfully submits that claim 1 or its dependent claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Additional Claim

Additional claim 11 has been added for the Examiner's consideration. Support for the amendments to claim 11 can be found in FIG. 1 and on page 2, lines 15-16 of the specification as originally filed. Applicants respectfully submit that claim 11 is allowable due to their respective dependence on independent claim 1, as well as due to the additional recitations included in this claim.

In particular, Becker simply discloses that the light emitters 40, 40a and 40b are located within the flexible member 12 (referred to by the Examiner as a frame of the present invention), not within a module frame outside of the flexible member 12. Therefore, Becker fails to teach “the light-emitting diode module includes a rectangular module frame outside of the frame, and the light-emitting diodes are disposed within the module frame” as recited in claim 11

Favorable consideration and allowance of additional claim 11 are respectfully requested.

CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Cheng-Kang (Greg) Hsu, Registration No. 61,007 at (703) 205-8000 in the Washington, D.C. area.

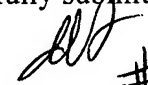
Application No. 10/563,911
Amendment dated January 29, 2009
Reply to Office Action of October 29, 2008


Docket No.: 1503-0187PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: January 29, 2009

Respectfully submitted,

By  #61007

 Paul C. Lewis

Registration No.: 43,368

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant